
Local Government Committee

HB 3031

Brief Description: Addressing the provision of sewer and water utilities to district property and other property owners by port districts.

Sponsors: Representatives Simpson, Schindler, Upthegrove and Schual-Berke.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Prohibits a port district from acquiring, constructing, installing, improving or operating water-sewer or pollution control facilities, under specified circumstances, absent the consent of other specified alternative providers of such services.
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Hearing Date: 2/1/08

Staff: Thamas Osborn (786-7129).

Background:

General Powers and Authorities of Port Districts

Port districts (districts) are authorized for the purpose of acquisition, construction, maintenance, operation, development and regulation within the district of harbor improvements, rail or motor vehicle transfer and terminal facilities, water and air transfer and terminal facilities, or any combination of these facilities. A district may also, through its commission, spend money and conduct promotions of resources and facilities within the district or general area through advertising, publicizing, or marketing.

Among the general powers granted to districts are the following:

- to acquire land, property, leases, and easements;
- to condemn property and exercise the power of eminent domain;
- to develop lands for industrial and commercial purposes;
- to impose taxes, rates, and charges;
- to sell or otherwise convey rights to property; and
- to construct and maintain specified types of park and recreation facilities.

Port Districts: Authority Related to Water-Sewer and Pollution Control Services

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

State law explicitly authorizes a district to acquire, construct, install, improve, and operate sewer and water utilities to serve its own property and other property owners. A port commission, in turn, is authorized to determine the terms and rates for the provision of water-sewer services to other properties. In addition, a district may also acquire, construct, lease, operate and maintain specified pollution control facilities and may make such facilities available to others under terms and conditions to be determined by the port commission. However, a district is prohibited from providing water-sewer services or pollution control services to other property owners if substantially similar services are available from another source on a "reasonable and nondiscriminatory" basis, unless this other source consents to the district providing such services.

Summary of Bill:

The act prohibits a district from acquiring, constructing, installing, improving or operating water-sewer or pollution control facilities to serve its own property or other property owners if:

- substantially similar services are available from another source on a reasonable and nondiscriminatory basis; or
- the property to be served is located within an area in which another water or sewer utility is planned to be made available under an effective comprehensive plan of another county, city, town, water-sewer district, or public utility district; or
- the property to be served is located within the present and future service area boundaries of another public water system included in a coordinated water system regulated under the Public Health and Safety Code.

This prohibition does not apply if the pertinent alternative service provider, public agency, or public water system consents to the district providing water-sewer and/or pollution control services.

Appropriation: None.

Fiscal Note: Requested on 1/30/2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.